

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 700-D**  
**Case No. 90-20F/87-4P**  
**(PUD & Map Amendment @ Capitol Point)**  
**April 12, 1999**

By Z.C. Order No. 700 dated February 10, 1992, the Zoning Commission for the District of Columbia granted the application of the Riverside Associates Limited Partnership for a second-stage (final) approval to a planned unit development (PUD) and related change of zoning from W-1 and W-3 to CR for Lot 801 in Square 602 located adjacent to the east boundary of Fort McNair at 2<sup>nd</sup> and R Streets, S.W.

The final PUD approval was for the construction of a mixed-use development, including office and residential uses, to a maximum height of 110 feet, a maximum floor area ratio (FAR) of 5.3, a maximum lot occupancy of seventy-five percent (75%), underground parking to accommodate 2,150 cars, and 500 apartment units.

Z.C. Order No. 700 became final and effective on February 28, 1992. The validity of that order was for two years, that is until February 28, 1994, provided that application for a building permit must have been filed within that period of time. Therefore, construction would have to start by February 28, 1995.

By Z.C. Order No. 700-A dated March 9, 1992, the Zoning Commission granted the Office of Zoning's (OZ) request to waive all applicable rules of practice and procedure to administratively correct Condition No. 13, to establish a time frame of 12 years for the delivery of the residential units. This order became final and effective on March 27, 1992. The Zoning Commission's approval expired on March 27, 1994.

Z.C. Order No. 700-B, dated May 9, 1994, extended the validity of Z.C. Order Nos. 700 and 700-B for two years; that is, until March 27, 1996 for application for a building permit, and construction to start no later than March 27, 1997.

By Z.C. Order No. 700-C dated July 26, 1996, the Zoning Commission extended the validity of Z.C. Order Nos. 700, 700-A and 700-B for two years; that is, until March 27, 1998 for application for a building permit, and construction to start no later than March 27, 1997.

By letter dated March 25, 1998, counsel for the applicant, filed a request to extend the validity of Z.C. Order Nos. 700, 700-A, 700-B, and 700-C for a period of two years.

The letter indicated that the continued economic situation that warranted the previous extension is the basis for the instant request and stated as follows:

“In granting numerous past extensions, including the previous extension for this PUD, the Zoning Commission has determined that adverse economic conditions coupled with the Applicant’s efforts to market the PUD constitute good cause. In this case, the Applicant’s efforts to proceed have been hindered by adverse economic conditions and by the pending litigation that has resulted from environmental contamination issues affecting the site. The 1994 and 1996 extensions were granted because Riverside had been unable to secure construction financing during the real estate downturn. At the same time, the federal government’s policy to cease all leases for federal office users made the situation more difficult. Unfortunately, this situation has endured, resulting in an inability to secure financing and attract major tenants. In addition, portions of the site are contaminated with, *inter alia*, lead and PCBs. The applicant is currently involved in litigation concerning such contamination. This litigation makes it extremely difficult to obtain financing or begin development. The John Akridge Companies is in the process of becoming a partner with Riverside. Given Akridge’s extensive experience in real estate, marketing and development in the District of Columbia, the company’s involvement should enhance the prospects for the project’s successful completion.”

The District of Columbia Office of Zoning (OZ) referred the matter to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Regulations or Map or to the Comprehensive Plan, since the Zoning Commission initially decided the case.

By memorandum dated June 29, 1998, OP stated that “the Zoning Regulations and Map have not changed since the Zoning Commission originally approved this PUD and map amendment. The Comprehensive Plan Generalized Land Use Map designation of the site for high-density residential/commercial and production and technical employment has not changed either. In fact, the extension requests were approved under the same circumstances which are associated with this request regarding the Zoning Regulations, Zoning Map and the Comprehensive Plan.”

Copies of the motion for extension were served on ANC-2D and other parties to the case. Neither ANC-2D, nor any party submitted any comments into the record for the Commission’s consideration.

On July 13, 1998 at its regular monthly meeting, the Zoning Commission considered the request from counsel for the applicant, and the OP report. The Commission determined that an extension of time, as requested by the applicant, is reasonable and would not adversely affect any party or person.


The Commission believes that its proposed action to grant the request is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

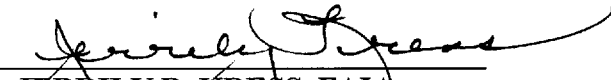
In consideration of the reasons set forth in the order, the Zoning Commission for the District of Columbia hereby ORDERS that the validity of Z.C. Order Nos. 700, 700-A, 700-B, and 700-C be extended for period of two years; that is, until March 27, 2000. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in 11 DCMR 2408.8. Construction shall start within one year of that date; that is, not later than March 27, 2001.

Vote of the Zoning Commission taken at the monthly meeting on July 13, 1998: 5-0 (John G. Parsons, Herbert M. Franklin, Angel Clarens, Anthony Hood and Jerrily R. Kress, to extend).

This order was adopted by the Zoning Commission at the April 12, 1999 public meeting by a vote of 4-0-1 (John G. Parsons, Herbert M. Franklin, Anthony Hood, and Jerrily R. Kress, to adopt, Angel Clarens not present not voting).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on JAN 21 2000.

  
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**ANTHONY J. HOOD**  
**Chairperson**  
**Zoning Commission**

  
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**JERRILY R. KRESS, FAIA**  
**Director**  
**Office of Zoning**